

42

COFFS HARBOUR MORTGAGE ORDINANCE 1956

WHEREAS the lands described in the Schedule hereto are vested in the Corporate Trustees of the Diocese of Grafton (hereinafter called "the Corporate Trustees") AND WHEREAS it has become expedient for the Parochial Council of Coffs Harbour to launch an appeal known as a Wells Every Member Canvass and for this purpose to raise funds upon the security of the said lands AND WHEREAS by Section 40 of the Church of England Trust Property Act 1917 it was enacted that during the recess of the Synod of a Diocese such committee council or other body of persons as should be constituted for the purpose by Ordinance of such Synod might exercise such of the powers and functions and do and make such of the things referred to in that Act as such Synod should from time to time by Ordinance direct AND WHEREAS by Section 42 of the Church Trust Property Ordinance 1934 the Synod of the Diocese of Grafton appointed the Bishop-in-Council of the said Diocese to exercise within the said Diocese and during the recess of the said Synod certain powers given to the said Synod by the said Act including the powers conferred by Section 26 thereof AND WHEREAS the said Synod is now in recess NOW THEREFORE the Bishop-in-Council of the Diocese of Grafton in pursuance of the powers in that behalf conferred upon it by Section 26 of the said Act by the said Ordinance and of all other powers thereunto in anywise enabling hereby ordains directs and rules:

POWERS OF BORROWING AND MORTGAGE

1. The Corporate Trustees are hereby authorised and empowered to borrow any sum or sums of money not exceeding *Two thousand five hundred pounds* from any person society or company upon such terms and conditions as they may in their discretion think fit and subject as hereinafter provided to mortgage charge or encumber the said lands as security for the due repayment of such advances with

interest and other charges thereon.

2. The said mortgages charges or encumbrances shall contain all the powers covenants and provisions usually contained in securities over real estate including the power of sale but such covenants powers and provisions shall not extend the remedies of the Mortgagees to property or funds other than those held by the said Corporate Trustees for church purposes within the Parochial District of Coffs Harbour.

3. No mortgagee or other person or the Registrar General upon any mortgage charge encumbrance or other dealing purporting to be made under the powers granted by or under this Ordinance shall be concerned to see or inquire into the necessity or propriety thereof or the mode of exercising the same nor be affected by notice that the exercise of the power is unauthorised irregular or improper nor be concerned to see to the application or disposition of any mortgage or other money paid by him.

4. The Corporate Trustees are hereby authorised to execute and do all other necessary deeds assurances instruments acts and things for giving full and complete effect to the provisions of this Ordinance according to its true intent and meaning.

5. The moneys raised by any mortgage charge or encumbrance under this Ordinance shall be expended in or applied towards defraying the expense entailed in launching an appeal known as a Wells Every Member Canvass and all costs and expenses incidental thereto as the Parochial Council of Coffs Harbour may desire or in such other manner as the Bishop-in-Council shall direct.

SHORT TITLE

6. This Ordinance may be cited and known as the "Coffs Harbour Mortgage Ordinance 1956."

SCHEDULE

ALL THOSE 2 roods being Lots 1 and 30 of Section 1 on Deposited Plan No. 5404 and being the whole of the lands comprised in Certificate of Title Volume 2013 Folio 170.

ALSO ALL THAT 1 rood being Lot 2 of Section 1 on Deposited Plan No. 5404 and being the whole of the lands comprised in Certificate of Title Volume 2403 Folio 126 - all of which lands are situate at Coffs Harbour in the Parish of Goff County of Fitzroy.

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.

Howard Wain
.....Chairman of Committees.

I hereby certify that the Ordinance was passed by the Bishop-in-Council on the

..12..12..56..

A. E. Singala
.....Registrar.

I assent to this Ordinance.

Kenneth Crafston
.....Bishop.